

SENATE BILL 176

By Cooper

AN ACT to amend Tennessee Code Annotated, Section 8-36-205 and Section 8-36-211, relative to mandatory retirement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-205(a)(2)(D), is amended by deleting the citation "§ 8-36-211" and by substituting instead the citation figures "§ 8-36-211(b)(1)".

SECTION 2. Tennessee Code Annotated, Section 8-36-211(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Any Group 1 member who retires on a service retirement allowance pursuant to § 8-36-201(a) with creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(1) shall receive, in addition to that member's service retirement allowance, a supplemental bridge benefit. The supplemental bridge benefit shall be equal to three fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(1).

SECTION 3. Tennessee Code Annotated, Section 8-36-211(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b)(1) A supplemental bridge benefit shall further be paid to any Group 1 member who retires on a service retirement allowance with creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2), if the political subdivision for which the service was rendered adopts a mandatory retirement

age requirement pursuant to § 8-36-205. The supplemental benefit shall only be paid if the mandatory retirement age requirement adopted by the political subdivision is sixty (60) years of age or older, but less than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act. The supplemental benefit shall be equal to three fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2).

(2) Any political subdivision that adopted a mandatory age requirement as described in subsection (b)(1) above may also authorize the payment of the supplemental bridge benefit to Group 1 members who retire on a service retirement allowance prior to the attainment of sixty (60) years of age provided the following conditions are met:

(A) The supplemental benefit shall only be paid if the mandatory retirement age requirement adopted by the political subdivision is sixty (60) years of age or older, but less than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act;

(B) The members must have thirty (30) years or more of creditable service with all or a portion of such service having been rendered in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2); and

(C) The chief governing body of the political subdivision passes a resolution authorizing the payment and accepting the liability therefor.

SECTION 4. Tennessee Code Annotated, Section 8-36-211(g), is amended by deleting the subsection in its entirety and by substituting instead the following:

(g) The supplemental bridge benefit provided by this section shall apply to all current and future retired members; provided, that such benefit shall not be paid retroactively. Instead, for service covered under subsection (a), the benefit shall become effective on July 1, 1998, for any Group 1 member who retires on or after the

mandatory retirement age with less than thirty (30) years of creditable service and on July 1, 2007, for any Group 1 member who retires prior to the mandatory retirement age but with thirty (30) or more years of creditable service. For service covered under subsection (b)(2), the benefit shall become effective on the effective date of the resolution passed by the political subdivision pursuant to subsection (b)(2).

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. The provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 7. This act shall take effect on July 1, 2007, the public welfare requiring it.